

भारत सरकार
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय
एकीकृत क्षेत्रीय कार्यालय,
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GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE
INTEGRATED REGIONAL OFFICE
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File No. FC-II/IROCH-11/2022 / 965

Date: 12/10/2022

To,

Additional Chief Secretary (Forests),
Government of Chhattisgarh,
Forest Department, Mantralaya,
Mahanadi Bhavan, Nava Raipur, Atal Nagar (CG).

Sub: Diversion of forest land for non-forest purpose under Forest Conservation Act, 1980 proposed for Widening and Upgrading of Panduka, Jatamai- Ghatarani, Gaydabri, Madeli, Mundagaon Road (Two Lane Public Road) area - 24.569 Ha in Gariyaband Forest Division, Gariyaband District in the State of Chhattisgarh- regarding.

Kindly refer to the letter no. F-5-12/2021/10-2 dated 22.08.2022 of State Government and letter no. LM/Misc.-1/115-748/1523 dated 05.07.2022, APCCF, Nodal Officer (FCA), Chhattisgarh, on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. It is to say that the said proposal has been examined in the Integrated Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder and approved by the Regional Empowered Committee constituted under Section -4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords '**In-principle**' under Section - 2 of the Forest (Conservation) Act, 1980 for Diversion of 24.569 Ha Reserved Forest, Protected Forest and Revenue Forest in favour of PWD, Chhattisgarh Road Development Project (CGRDP), Raipur, Thane for Widening and Upgrading of Panduka, Jatamai- Ghatarani, Gaydabri, Madeli, Mundagaon Road (Two Lane Public Road) at Gariyaband Forest Division, Gariyaband District in the State of Chhattisgarh subject to the fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. **Compensatory Afforestation:**
 - a) Compensatory afforestation shall be taken up by the User Agency carried out in equal revenue land of 24.600 ha. which are spread in 3 different patches-Khasra No. 356, area 12.00 ha; Khasra No. 260 area 4.10 ha.; and Khasra no. 468,694, area 8.500 ha in Taluka- Rajim, Block Fingeshwar, District Gariaband at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided;
 - b) The proposed non-forest CA land shall be transferred and mutated in favour of the State Forest Department before Stage-II clearance.
- iii. The cost of Compensatory Afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost escalation for works scheduled for subsequent years;
- iv. **NPV:**
 - a) The State Government shall charge the Net Present Value (NPV) for the 24.569 ha forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated

28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;

- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- v. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portai (<https://parivesh.nic.in/>);
- vi. State Government shall take appropriate action against the violation as per the provisions of MoEF&CC's guideline dated 29.01.2018 and penal NPV shall be charged accordingly. A detail report in this regard shall be submitted along with the compliance report;
- vii. The State Government of Chhattisgarh/ Nodal Officer (FCA), Forest Department of Chhattisgarh shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency as per Rule- 9 (6) (b) (ii) of Forest (Conservation) Rules, 2022 dated 28.06.2022;
- viii. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- ix. The total project affected trees are 3333; comprised of 477 trees above 90 cm girth and the remaining 2856 trees below 90 cm girth class. The User agency shall minimize the number of project-affected trees.
- x. The RoW of existing road and proposed road is 14 m.
- xi. The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- xii. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- xiii. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xiv. The state shall ensure that the proposed structures provide safe passage to the wild animals, and desired that KML file of the entire alignments highlighting location of all structures (Pipe culverts, Box culverts, FCW, Slab Culverts etc) should be submitted to the IRO;
- xv. The designing of culverts/bridges, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
- xvi. Roadside plantations on both sides of the road as per the IRC norms shall be raised by the State Forest Department from the funds provided by the User Agency. The State forest department shall prepare the plantation proposal giving preference to the native forest tree species including fruit-bearing tree species, and shall submit to the IRO, Raipur;
- xvii. No labour camp shall be established on the forest land;
- xviii. The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xix. The forest land shall not be used for any purpose other than that specified in the proposal;
- xx. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xxi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxii. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;

- xxiii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xxiv. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11- 42/2017-FC dt 29/01/2018;
- xxv. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;
- xxvi. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of a satisfactory compliance report from the State Government in respect of condition no. (ii), (iii) (iv), (vii), (ix), (xi), (xii), (xiv), (xvi) and undertakings, duly authenticated by the competent authority in the State Government and fulfilment of other necessary conditions, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,

Chibby
12/10/22

Chaturbhuj Behera
Inspector General of Forests

Copy to:-

1. The Inspector General of Forests (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003.
2. The PCCF (HoFF), Government of Chhattisgarh, Aranya Bhawan, Sector-19, Nava Raipur, C.G
3. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh, Aryan Bhawan, Nawa Raipur, Chhattisgarh.
4. User agency.
5. Guard file

Chibby
12/10/22

Inspector General of Forests